



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/839,309	04/23/2001	Fumiaki Ito	35.C15311	2780

5514 7590 11/01/2006

FITZPATRICK CELLA HARPER & SCINTO  
30 ROCKEFELLER PLAZA  
NEW YORK, NY 10112

EXAMINER

OPSASNICK, MICHAEL N

ART UNIT

PAPER NUMBER

2626

DATE MAILED: 11/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/839,309

Applicant(s)

ITO ET AL.

Examiner

Michael N. Opsasnick

Art Unit

2626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 and 3-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Continued Examination Under 37 CFR 1.114*

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/18/2006 has been entered.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1,3-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ladd et al (6269336) in view of Chung et al (6115686) in further view of Lin (6381597).

As per claim 1, Ladd et al (6269336) teaches:

“a document processing apparatus comprising: document obtaining means for obtaining a document written in a predetermined markup language from a designated source rule identification information means” as the network access apparatus of the

system allows the user to access (i.e., view and/or hear) the information retrieved from the information source (col. 3 lines 40-42). The information can be stored in a database of the information source which can include text content, markup language document or pages (col. 11 lines 42-45)

“rule selecting means for selecting a rule defining voice input/output contents from a plurality of predetermined rules” as the parser unit receiving the information from the network and parsing according to syntax rules (Col. 12 lines 18-20). The markup language can include elements that describe the structure of a document or page, provide pronunciation of words and phrases, and place markers in the text to control interactive voice services. The markup language also provides elements that control phrasing, emphasis, pitch, speaking rate, and other characteristics. (Col. 16, 12-16, and fig. 6; the dialogue section of fig. 6 contains both input candidates and output contents, which may also include instructions to fetch additional elements via SQL calls – col. 41 lines 45-50).

“document analyzing means for analyzing a designated range of the document obtained by said document obtaining means based on the rule selected by said rule selecting means to fetch voice output contents, voice input candidates, and designation information for designating a next processing object corresponding to each voice input candidate” as the interpreter unit determines the next state or step based upon the structure of the dialog and the input from the user. When the interpreter unit transitions to a new dialog or page is then sent to the network fetcher (col. 13 lines 55-59);

“voice outputting means for voice outputting the voice output contents fetched by said document analyzing means” as the TTS unit of the VRU server receives textual data

or information -- the TTS unit processes the textual data and converts the data to voice data or information (col. 9 lines 3-10);

“voice recognizing means for voice recognizing the voice input by the user” as the ASR unit of the VRU server provides speaker independent automatic speech recognition of speech input or communication from the user (Col. 9 lines 27-30);

“controlling means for checking the result of recognition by said voice recognizing means against the input candidates fetched by said document analyzing means to control obtainment of a document by said document obtaining means or next analysis by said document analyzing means based on designation information corresponding to the input candidate matching the recognition result” as the interpreter unit can transition from state to state (i.e., step to step) within a tree structure (i.e., a dialog) of a markup language document or can transition to a new tree structure within the same dialog or another dialog. The interpreter unit determines the next state or step based upon the structure of the dialog and the input from the user. When the interpreter unit transition to a new dialog or page, the address of the new dialog or page is then sent to the network fetcher (col. 13 lines 52-59).

Ladd does not explicitly teach a rule selecting means for selecting a rule corresponding to the “extracted rule identification information....stored in a memory....in the obtained document. However, Chung et al (61156868) teaches an HTML parser outputting HTS control rules to the HTS control parser wherein the HT control parser can receive four different types of rules (intonation, audio data rule, enunciation rule, and terminology translation rule (Figs. 1-5b, 22, 24; col. 6 lines 9-61). Therefore, it would

have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate into Ladd the rule selection means as taught by Chung et al (6115686) because it would provide a system that can accommodate HTML documents with nested HTML textual tags and enunciate symbols correctly depending on context.

As per claim 1, the combination of Ladd et al (6269336) in view of Chung et al (6115686) does not explicitly discuss predetermined tags (and identification of such), however, Lin (6381597) teaches the use of predetermined tags to be used in a comparison against identified tags (col. 10 lines 23-30) and reverting back to an identifying step when relevant information is lacking (col. 11 lines 44-57). Therefore, it would have been obvious to one of ordinary skill in the art of document identifier to modify the combination of Ladd et al (6269336) in view of Chung et al (6115686) with predetermined identifier tags because it would advantageously discard unneeded information during the identification process (col. 11 lines 50-57), which would accelerate search time and perform database updating more often (Col. 2 lines 55-63).

As per claim 3, the combination of Ladd et al (6269336) in view of Chung et al (6115686) in further view of Lin (6381597) teaches the markup language document including tags (Ladd et al (6269336), col. 16 lines 29-31).

As per claim 4, the combination of Ladd et al (6269336) in view of Chung et al (6115686) in further view of Lin (6381597) teaches selecting a predetermined rule if the

rule identification information cannot....in the obtained document (Chung et al (6115686), parser 22, mapping table 41, parameters 42, and audio table 43);

As per claim 5, the combination of Ladd et al (6269336) in view of Chung et al (6115686) in further view of Lin (6381597) teaches the network fetcher receives the address of the new dialog or page (Ladd et al (6269336), col. 12 lines 10-14; col. 13 lines 55-59).

As per claim 6, the combination of Ladd et al (6269336) in view of Chung et al (6115686) in further view of Lin (6381597) teaches the network fetcher retrieving markup language documents (Ladd et al (6269336), col. 12 lines 10-14).

As per claim 7, the combination of Ladd et al (6269336) in view of Chung et al (6115686) in further view of Lin (6381597) teaches the communication node allowing the user to selecting a particular speech recognition model (Ladd et al (6269336), col. 6 lines 25-36; col. 24 lines 12-65).

As per claim 9, the combination of Ladd et al (6269336) in view of Chung et al (6115686) in further view of Lin (6381597) teaches output to be presented to the user (Ladd et al (6269336), Col. 18 lines 32-36) as well as user input (Ladd et al (6269336), col. 18 lines 56-58);

As per claims 10,11, the combination of Ladd et al (6269336) in view of Chung et al (6115686) in further view of Lin (6381597) teaches DIALOG encompassing PROMPT elements that define voice output contents and input elements that define input candidates (Ladd et al (6269336), col. 16 line 63 – col. 17 line 15).

As per claim 12, the combination of Ladd et al (6269336) in view of Chung et al (6115686) in further view of Lin (6381597) teaches a high speed data link such as a T1 telephone line (Ladd et al (6269336), col. 5 lines 39-42).

Claims 13-15 are method/computer readable medium claims that are similar in scope and content to the apparatus claims presented in claims 1,3-12 as noted above; therefore, claims 13-15 are rejected under similar rationale as presented above against apparatus claims 1,3-12.

### ***Response to Arguments***

4. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection. Examiner notes the introduction of the Lin reference to address the new claim limitations pertaining to predetermined tags.




Art Unit: 2626

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Opsasnick, telephone number (571)272-7623, who is available Tuesday-Thursday, 9am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Richemond Dorvil, can be reached at (571)272-7602. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

mno  
10/28/06

  
Michael N. Opsasnick  
Examiner  
Art Unit 2626